

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>ROBERT L. AND CINDY W. SMITH</b>	§	<b>CIVIL ACTION NO. _____</b>
	§	
	§	
<b>VS.</b>	§	<b>JURY DEMANDED</b>
	§	
	§	
<b>ALLSTATE TEXAS LLOYD'S</b>	§	<b>NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(a)</b>

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**DEFENDANT ALLSTATE TEXAS LLOYD'S NOTICE OF REMOVAL OF  
ACTION UNDER U.S.C. §1441**

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TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. § 1441 and 1446, Allstate Fire and Casualty Insurance Company, Defendant Herein, removes to this Court the state court action pending in the 11th Judicial District Court of Harris County, Texas, and invoking this Court's diversity jurisdiction, on the grounds explained below.

**BASIS FOR REMOVAL**

1. On August 27, 2019, Plaintiff filed suit in Harris County against the Defendant. The suit was assigned to the 11th Judicial District Court of Harris County, Texas, styled Cause No. 2019-60424; *Robert L. and Cindy W. Smith v. Allstate Texas Lloyd's*. Defendant, Allstate Fire and Casualty Insurance Company was served/received notice of this suit on September 9, 2019. As required by 28 U.S.C. § 1446(b), this notice of removal is timely filed by the Defendant, Allstate Fire and Casualty Insurance Company within thirty (30) days following receipt by Defendant of the initial pleadings.
2. Removal of this action is proper, because this Court has original diversity jurisdiction under 28 U.S.C. § 1332 and the action is one that may be removed by

Defendant pursuant to 28 U.S.C. § 1441(b); specifically, this is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the Defendants are diverse in citizenship from Plaintiff.

3. There is complete diversity among the parties as required by 28 U.S.C. § 1332(a). Plaintiff is a Texas citizen. Defendant Allstate Texas Lloyds is a “Lloyds” insurer. A citizenship of an unincorporated association is determined by the citizenship of its members. 28 U.S.C. § 1332(a). For the purposes of determining citizenship of a Lloyds organization, the court looks to the citizenship of the Lloyds members. *See Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998). Here, Allstate is an unincorporated association of individual underwriters who are all residents and citizens of the State of Illinois. Accordingly, Allstate is a citizen of the State of Illinois. *See Id.*

4. The amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332 (a). Plaintiffs’ Original Petition recites that they are seeking actual, consequential, treble, punitive damages, and attorney’s fees for breach of contract, conversion, fraud, violations of the Texas Insurance Code, and violations of the Deceptive Trade practices Act, relating to the Defendant’s alleged failure to properly adjust the claim for Plaintiffs alleged property damage. Further, Plaintiffs’ Petition states Plaintiffs are seeking “monetary relief of \$1000,00 *or less*.” *See* Plaintiff’s Petition incorporated herein under Exhibit “A,” paragraph 66 (emphasis added.) Thus, Plaintiffs’ Petition shows on its face, that Plaintiffs’ claims are in excess of \$75,000.00.

5. The follow exhibits are attached to this notice of removal:

**Exhibit A** Clerk’s Full Record in this case, along with the index

**Exhibit B** Certified copy of Allstate Fire and Casualty Insurance Company

**Exhibit C** List of all Counsel of Record

**Exhibit D** Civil Cover Sheet

6. All parties who have been served with Summons consent to the removal of this case to Federal Court.
7. Venue is proper in this District because the district and division embrace the place where the removal action has been pending.
8. Allstate Fire and Casualty Insurance Company will promptly provide written notice of the filing of this Notice of Removal to all parties and to the clerk of the 11th Judicial District Court of Harris County, Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant, Allstate Fire and Casualty Insurance Company, respectfully requests that the state court action be removed and placed on this Court's docket for further proceedings. Allstate Fire and Casualty Insurance Company further requests any additional relief to which it may be justly entitled.

DATE: October 8, 2019

Respectfully submitted,

*/s/ John M. Causey*

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**ATTORNEYS FOR ALLSTATE FIRE  
AND CASUALTY INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on October 8, 2019, via e-filing addressed to:

Chad T. Wilson  
CHAD T. WILSON LAW FIRM, PLLC  
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*/s/ John M. Causey*

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John M. Causey